(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (S) NO. 3339 of 2007

Petitioner — Kushwa Sahu, S/o. Shri Bihari Sahu, aged about 60 years, R/o. Village Misda, P.S. & Tehsil Navagarh, District Janjgir-Champa (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through Secretary, Public Works Department D.K.S. Bhavan, Raipur (C.G.)
2. Engineer-In-Chief, Public Works Department, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Shri Justice **Satish K. Agnihotri**

Mr. Sushil Sahu, Advocate for the Petitioner.
Mr. Yashwant Singh Thakur, Govt. Advocate for the respondents/State.

ORDER
(Passed on this 19th day of June, 2007)

1. By this petition, the petitioner, who has worked as Gangman (permanent), seeks a relief that the petitioner being permanent gamgman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. The indisputable facts are that the petitioner was employed as Gangman (permanent) in the office of the Public Works Department, Sub-Division, Janjgir, District Janjgir-Champa and he was retired from service w.e.f. 2.4.2003 and 24.4.2003. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the

Chhattisgarh (Workcharged and Contingency Paid Employee) Pension Rules, 1979 (for short 'the Rules, 1979') framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee, the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by the learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur